



Buffalo National River

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COMMERCIAL USE AUTHORIZATION (CUA)

**GENERAL INFORMATION AND
FREQUENTLY ASKED QUESTIONS (FAQs)**

GENERAL INFORMATION and FAQ's

What is the due date for submission of the application? See the specific application for the type of visitor service you are interested in. There are two types of applications. One for land based activities: guided photography, guided hiking, guided camping and guided rappelling. The other application is for water based activities: guided fishing and guided sightseeing.

What is a Commercial Use Authorization (CUA)?

Section 418 of the National Parks Omnibus Management Act of 1998, Public Law 105–391 (Section 418), authorizes (but does not require) NPS, upon request, to issue commercial use authorizations (CUAs) to persons (referring to individuals, corporations and other entities) to provide commercial services to park area visitors in limited circumstances. Commercial Use Authorizations are NOT concessions contracts and are not transferable. CUAs are intended to provide a simple means to authorize appropriate commercial services to visitors in Park areas that, as a general rule, **(1)** do not use fixed commercial facilities within a National Park unit, **(2)** the commercial activity originates and terminates outside the park area, **(3)** no money changes hands on park lands, and **(4)** no commercial solicitation occurs on park lands.

What is a Commercial Visitor Service? This type of service means accommodations, facilities and services the NPS has determined to be necessary and/or appropriate for public use and enjoyment of a National Park Service administered area provided to visitors for a fee or charge by person. The fee or charge paid by the visitor may be direct or indirect as part of the provision of comprehensive visitor services.

What types of commercial services are authorized in Buffalo National River? The land based services offered are: guided camping, guided hiking, and guided rappelling and guided photography. The water based services offered are guided fishing and guided sightseeing.

What will be the term of this authorization? The term of a CUA at Buffalo National River is for one year. There is no preferential right of renewal. Therefore, a new application will need to be submitted each year.

Are there limits to the group size allowed per CUA? Yes, group size is limited. See tables below.

Group Size Limitations for Land Based Activities:	
Guided Camping	No more than 25 persons, including guides. The guide to client ratio must be at least one (1) guide per ten (10) clients.
Guided Hiking	No more than 12 persons, including guides. The guide to client ratio must be at least one (1) guide per ten (11) clients.
Guided Rappelling	No more than eight (8) persons, including guides. The guide to client ratio must be at least one (1) guide per four (4) clients.
Guided Photography	No more than 12 persons, including guides. The guide to client ratio must be at least one (1) guide per eleven (11) clients.

Group Size Limitations for Water Based Activities:	
Guided Fishing and/or Guided Sightseeing	The number of boats authorized is five (5), even if the Permittee applies for both a guided fishing and guided sightseeing CUA. The types of boats authorized are john boat and non-motorized drift boats. The Permittee shall not exceed any carrying capacity per vessel type in accordance with U.S. Coast Guard standards.

Are there any restrictions to my application? Yes. NPS employees or their resident family members may be NOT be owners, partners, corporate officers or general managers of any business conducting commercial visitor services in a park, nor may NPS employees or their resident family members have a financial interest in such a company. All instances of employment by an operator of the SPOUSE or MINOR CHILDREN of an NPS employee must be approved in advanced, in writing by the superintendent or delegated person(s).

What type of insurance is required? The CUA Holder must provide commercial comprehensive general liability insurance against claims arising out of or resulting from the acts or omissions of the CUA operator or the CUA operator's employees or agents in carrying out the activities and operations authorized under the CUA. The NPS must receive verification of insurance coverage before a CUA can be issued and the coverage must be maintained as current during the term of the authorization. See tables below.

Activity	Comprehensive General Liability Amount	Automobile Liability Amounts <i>The following minimums per occurrence apply as they relate to passenger capacities:</i>
Guided Hiking Guided Camping Guided Photography	\$ 300,000 per occurrence	Cars, trucks and vans up to 5 passengers: \$ 300,000 Cars, trucks and vans 6-12 passengers: \$ 500,000 Vans and buses 13-20 passengers: \$ 750,000 Buses 21-50 passengers: \$1,500,000
Guided Rappelling	\$ 500,000 per occurrence	Cars, trucks and vans up to 5 passengers: \$ 300,000 Cars, trucks and vans 6-12 passengers: \$ 500,000 Vans and buses 13-20 passengers: \$ 750,000 Buses 21-50 passengers: \$1,500,000
Guided Fishing Guided Sightseeing	\$ 500,000 per occurrence	Cars, trucks and vans up to 5 passengers: \$ 300,000 Cars, trucks and vans 6-12 passengers: \$ 500,000 Vans and buses 13-20 passengers: \$ 750,000 Buses 21-50 passengers: \$1,500,000

Attachment A Standard Conditions #4 states my insurance certificate must name the United States of America as additional insured. How do I do this? Contact your insurance agent and inform him/her of the following:

1. The insurance certificate must show that coverage has been provided for all of your activities.
2. All insurers must be admitted (licensed) in the state in which the Holder is domiciled.
3. The following must be shown on the Certificate of Insurance:
 - a. The US Government is named as additional insured
 - b. The Certificate Holder's address is:
U.S. Government
National Park Service
402 N. Walnut, St., Suite 136
Harrison, AR 72601
 - c. The A.M. Best Identification Number of the Insurance Company must be on certificate
 - d. The Insured's name (same as that under which you will be doing business).

Is sub-contracting allowed under the authorization? Sub-contracting is prohibited under this authorization and authorizations cannot be transferred. If ownership changes, you must notify the NPS. CUAs are not transferable. Therefore, when there is a change in ownership, the new owner must apply for a CUA.

Am I required to carry communication equipment during my trips? No. However, in areas of the park where electronic communication is possible, it is strongly recommended that the group leader carry some type of electronic communication equipment capable of communicating with others should an emergency arise. Each group participant should be instructed on the use of this device. It should be noted that carrying this communication equipment should in no way influence the level of risk to be undertaken by any individual or group; all decisions made should assume that self-sufficiency is the expectation for all park users.

Are there any annual or other reporting requirements? Yes, a Monthly Activity Summary Report and an annual Gross Receipts Report must be submitted. The applicable reporting forms will be provided when the CUA is issued. The forms are also located on-line at <http://www.nps.gov/buff/parkmgmt/commercial-use-authorizations.htm>

- a. Monthly Activity Summary Reports must be submitted to and received by the NPS by the 5th of each month for the preceding month's activities. A negative report must be submitted if no activity occurred during any given month.
- b. Annual Survey/Gross Receipt Report is due by December 15th.
- c. Non-submission of any report may be grounds for suspension or revocation of the CUA. (This includes any other reports that may be required as specified in the park-specific stipulations attached to the CUA.)
- d. Submit Reports to Buffalo National River, ATTN: Commercial Services, 402 N. Walnut Street, Suite 136, Harrison, AR 72601 or FAX: 870-365-2701 or via e-mail to BUFF_Superintendent@nps.gov.

May I have my clients sign a waiver of liability? No. The CUA holder **may NOT request or require** guests/clients participating in activities to sign a liability **waiver** for, insurance disclaimer and/or indemnification (hold-harmless) agreement. However, the CUA holder **may require** guests/clients participating in activities under the CUA to sign a Visitor Acknowledgement of Risk form. A sample NPS-approved Visitor Acknowledgement of Risk form is provided as Attachment C. The form is also located on-line at <http://www.nps.gov/buff/parkmgmt/commercial-use-authorizations.htm>.

If I choose to have clients sign an Acknowledgement of Risk form do I need to submit a copy for NPS approval? Yes, The CUA Holder (Permittee) must submit its "proposed" Visitor Acknowledgement of Risks form, if any, prior to receiving a fully executed (approved) CUA and at least 30 days in advance of any proposed changes in the form.

Are there fees associated with my CUA? Yes, costs incurred by the park as a result of accepting and process the application and managing and monitoring the authorization activity on site must be paid when the authorization is approved. **If any additional costs are incurred by the park, the holder will be billed at the conclusion of the authorization.** NOTE: All fees are non-refundable. See tables below for fee schedules.

Costs for Land Based Activity CUAs Guided Camping, Hiking, Rappelling and Photography:		
Type of Cost	Amount	Due
Application Cost	\$100	Must be submitted at the time of the initial application.
Administration Cost	\$100	Payable when the permit is approved.

Costs for Water Based Activity CUAs Guided Fishing and Sightseeing:		
Type of Cost	Amount	Due
Application Cost	\$100	Must be submitted at the time of the initial application.
Administration Cost	\$150	Payable when the permit is approved.
Commercial Use Boat Decal Fee	\$25 per vessel	Payable when the permit is approved.

If I am approved for a CUA will this make me a Concessioner of the National Park Service? No. You will be an authorized Commercial Use Authorization holder/permittee. Concessioners hold contracts with the National Park Service. Buffalo National River has 13 concessioners. 12 of the concessioners offer canoe rentals including kayak and raft rentals and transportation (shuttle) services. The other concessioner is Buffalo Point Concession that offers a seasonal restaurant and cabin rentals at Buffalo Point. For a list of Buffalo National River canoe concessioners visit our website at: <http://www.nps.gov/buff/canoe-rentals.htm>.

Are there specific conditions that apply to the CUA? Yes, all CUAs have specific operating conditions. Each CUA will have an attachment A and B. Attachment A is the standard conditions for all Commercial Use Authorizations and Attachment B is the Park Specific Conditions for the specific activity ie: guided photography. All CUA attachments can be found on our website at: <http://www.nps.gov/buff/parkmgmt/commercial-use-authorizations.htm>.

How do I obtain food handler's certification? Food handler courses and exams may be from local and state health departments, or a nationally recognized certification program. Your local health department can provide information on local training courses or an Internet search for "Arkansas food handler" will provide a number of State approved sources for food handling certification

How do I obtain a Guide Fishing License? All hunting and fishing is regulated through Arkansas Game and Fish Commission. To obtain the appropriate license call 501-223-6386 or you can visit their website at www.agfc.com.

How do I obtain CPR and First Aid certification? Contact your local American Red Cross at 1-800-REDCROSS or www.arkansasredcross.org. You can also do an Internet Search for "CPR and First Aid classes in Arkansas."

Who do I contact if I have additional questions? Contact the Commercial Services Office at 870-365-2702.